

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 26, 2006, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, July 12 and 19, 2006 Worksessions.

Action: Approved, (DLB/WMH, 4-0).

2. **CBA-854 [CBA-864-A, CBA-1233, CBA-2397, S-380], Petition of Potomac Swim and Recreation Association** (community swimming pool). Letter to the Board from Jody Kline, Esquire, and Soo Lee-Cho, Esquire, requesting an administrative modification. [Large exhibits: site plan, topographical survey, expanding bath house plan, front and rear elevations].

Action: Granted the administrative modification, (DLB/CLH, 4-0).

3. **CBA-1313, Petition of Dr. Norman Buckman** (non-resident medical practitioner). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (DLB/WMH, 4-0).

4. **CBA-2830-A, Petition of Graciano P. Gancayco** (non-resident medical practitioner). Order of the Court of Special Appeals.

Action: Re-opened the record to include the Order of the Court of Special Appeals, (WMH/CLH, 4-0).

5. **S-538-D, [S-538-S-538-C], Petition of Aspen Hill Racquet Club** (private clubs and service organizations). Letter to the Board from Anne Martin, Esquire, requesting an administrative modification. [Large exhibit: site plan].

Action: Granted the administrative modification, (DLB/WMH, 4-0).

6. **S-689-B, [S-689, S-689-A], Petition of Kenwood Golf and Country Club** (golf and country club). Letter to the Board from Harry Lerch, Esquire, with an update of the progress of the club's fitness center building. [Large exhibit: landscaping and light plan].

Action: Granted the administrative modification, (DLB/WMH, 4-0).

7. **S-719-A [S-719], Petition of Betty B. Sweet** (group picnic, catering and recreation facility). Letter to the Board from Robert Metz, Esquire, requesting a 6-month extension of time.

Action: Granted a 6-month extension of time, (WMH/CLH, 4-0).

8. **S-1675, Petition of Landon C. Carter** (accessory apartment). Memorandum to the Board from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included in a letter of confirmation from the property owner.

Action: Revoked special exception as abandoned, (CLH/DLB, 4-0).

9. **S-1781, Petition of Ira Deming, D.P.M.** (non-resident medical practitioner). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (DLB/WMH, 4-0).

10. **S-1837, Petition of Elizabeth Cilley Lechlitter** (accessory apartment). Memorandum to the Board from Unray Peters, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked special exception as abandoned, (CLH/WMH, 4-0).

11. **S-2092, Petition of Brooke Grove Foundation, Inc.** (life care facility). Letter to the Board from Susan Carter, Esquire, requesting an administrative modification.

Action: (1) Granted the administrative modification, (DLB/WMH, 4-0); (2) petitioner to amend license with the State to reflect amended special exception conditions.

12. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Item deferred until confirmation that the accessory apartment's kitchen as been removed, consensus.

13. **S-2355-A [S-2355], Petition of Smart Development/Premiere Homes LLC** (garden apartment complex). Letter to the Board from James Glascock, P.E., requesting an administrative modification. [Large exhibits: site development plan, site development plan – detail sheets, landscape and lighting plans].

Action: Granted the administrative modification, (WMH/CLH, 4-0).

14. **S-2453, Petition of Academy Child Development** (child day care facility). Letter of complaint to the Board from Schain Lolatchy.

Action: (1) Re-opened the record to include Mr. Lolatchy's letter; (DLB/WMH, 4-0); (2) request inspection by DPS for confirmation that special exception is operating as approved.

15. **S-2473, Petition of the Adnan Haider** (accessory apartment). Memorandum from Bernard Marra, Housing Code Inspector, DHCA, notifying the Board of the inspection of the special exception.

Action: (1) Re-opened the record to include Mr. Marra's memorandum; (2) rescind Show Cause Hearing, (CLH/WMH, 4-0).

16. **HE 03-1, Montgomery Cemeteries LLC (cemetery)**. Letter from Rusti Walner, Director, submitting additional information as requested by the Board and requesting an administrative modification.

Action: Item deferred for additional information, consensus.

PENDING ITEMS:

17. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Joint Status Report and Motion to Stay from Todd Brown, Esquire; Joseph Lapan, Esquire; and Malcolm Spicer, Esquire. Also included is a letter from the Department of Fire and Rescue Services. (1) Granted continuance of the appeal until 10/26/06; (2) Board to received status report in 90 days. [W/S 4/19/06].

18. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].

19. **CBA-1203, Petition of Mariner Health of Maryland, Inc.** (nursing home). Letter to the Board from Stuart Barr, Esquire, requesting a transfer of the special exception and an administrative modification. (Large exhibits: lighting and photometric plan, survey, site plan). Item deferred for additional information, information should include a schedule of the generator operations. [W/S 2/22/06].

20. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

21. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5/4/05].

22. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].

23. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2/8/06].

PENDING ITEMS (continued):

24. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2/22/06].
25. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letters to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification. Item deferred for additional information. [W/S 4/14/06].
26. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].
27. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].
28. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time, consensus. [W/S 5-31-06].
29. **S-2459, Petition of Hampshire Village Associates** (life care facility). Inspection reports from Barbara Piczak, Inspector, DPS, regarding the special exception's Community Council and its parking. Board will receive an additional inspection report after the compliance deadline. [W/S 6/28/06]. ?????
30. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting a transfer of the special exception. Also included is a letter to the Board from Gopal Janardanan, President and Chief Executive Officer, requesting an inspection of the special exception by DPS. Item deferred until the Board receives DPS's inspection report. [W/S 5/31/06].
31. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). Item deferred for additional information. [W/S 12/7/05].

PENDING ITEMS (continued):

32. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06 [is there more than 3 letter ?], (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].

33. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].

34. **S-2666, Petition of Orlando Martinez and Martha Gaitan** (accessory apartment). Hearing Examiner's Report and Recommendation. Item deferred until receipt of a revised landscape plan. [W/S 6/28/06].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair
Angelo M. Caputo - ABSENT
Wendell M. Holloway
Caryn L. Hines

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist